

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested in light of the remarks which follow.

Amendments to the Claims

By the foregoing amendments to the claims, claims 10, 18, and 19 have been amended, and claims 7, 16, 17, and 22 have been canceled.

Support for the amendments can be found in, *e.g.*, Example 2.

The amendments to the claims, including cancellation of claims, have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments to the above-identified application are respectfully requested.

Response to Claim Rejection Under 35 U.S.C. § 103(a)

The Examiner has maintained the rejection of claims 4-10, 13-19, 21, and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Petterson, International Publication No. WO/98 11922 ("Petterson") and Thomsen, U.S. Patent No. 6,015,545 ("Thomsen"). The rejection is respectfully traversed.

The rejection contends that the unexpected results are not commensurate with the scope of the claims. The claims are now amended as suggested by the Examiner to recite that the manganese compound is MnCl_2 and that the uptake promoter comprises alanine.

Evidence of unobvious or unexpected advantageous properties can rebut *prima facie* obviousness. MPEP 716.02(a). The PTO must consider comparative data in the specification

in determining whether the claimed invention is patentable. *In re Soni*, 34 USPQ2d 1684, 1687 (Fed. Cir. 1995).

In this case, the claimed compositions provide unexpectedly improved adsorption of manganese in the liver. Specification, ¶[0018]. In particular, the present inventors have surprisingly found that using ratios of Mn to promoter that are higher than those at which coordination compounds are formed leads to a higher concentration in the liver and thus improved imaging capabilities, particularly when $MnCl_2$ and alanine are used. These unexpectedly superior results were discussed in detail in the response filed on July 2, 2009.

In view these unexpectedly superior liver uptake of manganese provided by the claimed invention, reconsideration and withdrawal of the obviousness rejection is respectfully requested.


CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited. In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,
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Date: May 7, 2010

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